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10/622,395	07/18/2003	David Welch	2358	4676
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			03/21/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/622,395

**Applicant(s)**

WELCH ET AL.

**Examiner**

Marisol Figueroa

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20 is/are allowed.
- 6) ☒ Claim(s) 5-8 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. In response to the election/restriction requirement, Applicants elected without traverse, Group II containing claims 5-14 and 16-20. Claims 1-4, and 15 have been withdrawn from consideration.

***Information Disclosure Statements (IDS)***

2. The information disclosure statements (IDS) submitted on 3/15/2004, 5/2/2006, and 5/2/2006 have been considered by the examiner.

***Continuation Data***

3. The present application is a continuation-in-part of application no. 10/356,310 which was filed on January 30, 2003. However, claimed new matter presented in the present application is not supported by application no. 10/356,310, therefore, the priority date considered is the effective filing date of the present application (July 18, 2003).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5 and 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over BARANY et al. (US 2002/0034166) in view of CHANEY et al. (US 7,151,753).

**Regarding claim 5**, Barany discloses a method comprising:

receiving at a switch, from an originating station, an origination message carrying dialed digits, the dialed digits including (i) a session-initiation feature code and (ii) a target code indicating at least one target with which to establish a real-time media session via a communication server (paragraphs [0036], [0061]-[0063]; in order to initiate a packet-switched call, a mobile station 20 (i.e., originating station) sends to the RNC comprising base stations and base station controllers (i.e., switch) an initial PDTCH burst (i.e., origination message) that contains a SIP invite request (i.e., session-initiation feature code) and destination address of the terminal being called (i.e., target code));

responsively signaling from the switch to a service controller; signaling from the service controller to the communication server, pursuant to service logic at the service controller (paragraphs [0022]; [0026], [0029], and [0063]; the RNC sends the burst to the serving GPRS support node SGSN (i.e., service controller), which sends the SIP invite message to the Call State Control Function CSCF/SIP server (i.e., communication server)); and

the communication server responsively inviting the at least one target to participate in the real-time media session via the communication server (paragraphs [0063]-[0064]; the invite request is processed by the CSCF module which locates the called terminal (i.e., target) and sends the invite request (i.e., invitation) to the called terminal).

But, Barany does not particularly disclose wherein the communication server invites both the originating station and the target to participate in the communication session.

However, Chaney teaches that it is known for a communication server to send invitations to an originating station and target stations to set up a communication between a plurality of users (col. 2, lines 1-20; Chaney teaches the set up of a typical conferencing service wherein an

originating station (i.e., User-A) sends messages to a conference server (i.e., communication sever) to initiate a conference call and identifying the parties (i.e., User-B and User-C) for the conference call, then the conference server sends out SIP Invite messages to User-A (i.e., originating station) and Users-B, and C (i.e., targets)). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Barany for the communication sever to send invitations to the originating station and at least one target, as suggested by Chaney, since this is a standard technique to set up conference or group calls through a communication server. Furthermore, sending invitations to all the participants provides the advantage of announcing the start of a conference/group call when invitations are received by the participants.

**Regarding claim 12**, the combination of Barany and Chaney disclose the method of claim 5, in addition Barany discloses wherein inviting the at least one target to participate in the real-time media session via the communication server comprises: sending session invitation messages the at least one target (paragraphs [0063]-[0064]). But, Barany does not particularly disclose wherein the communication server sends session invitation message to both the originating station and the at least one target.

However, Chaney teaches that it is known for a communication server to send session invitations messages to an originating station and target stations to set up a communication between a plurality of users (col. 2, lines 1-20; Chaney teaches the set up of a typical conferencing service wherein an originating station (i.e., User-A) sends messages to a conference server (i.e., communication sever) to initiate a conference call and identifying the parties (i.e., User-B and User-C) for the conference call, then the conference server sends out SIP Invite

messages (i.e., session invitation messages) to User-A (i.e., originating station) and Users-B, and C (i.e., targets)). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Barany for the communication sever to send session invitation messages to the originating station and at least one target, as suggested by Chaney, since this is a standard technique to set up conference or group calls through a communication server. Furthermore, sending invitations to all the participants provides the advantage of announcing the start of a conference/group call when invitations are received by the participants.

**Regarding claim 13**, the combination of Barany and Chaney disclose the method of claim 12, in addition Chaney discloses wherein the session invitation messages comprise Session Initiation Protocol (SIP) INVITE messages (col. 2, lines 1-20; the conference server sends out SIP Invite messages to the all the participants (i.e., Users-A, B, and C) of the conference call).

**Regarding claim 14**, the combination of Barany and Chaney disclose the method of claim 13, in addition Barany discloses wherein sending the session invitation messages comprise sending the session invitation messages to a proxy server for transmission to the originating station and the at least one target (paragraphs [0029], [0063]-[0064]; the CSCF could be a SIP proxy or server that receives the call requests (i.e., SIP invite) to the intended destination).

6. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over BARANY et al. in views of CHANEY et al. and AMINZADEH (US 2007/0275697).

**Regarding claim 6**, the combination of Barany and Chaney disclose the method of claim 5, in addition Barany discloses the method further comprising: receiving the origination message

wirelessly at a base station and forwarding the origination message from the base station to the switch (paragraphs [0036] and [0063]; a mobile station 20 (i.e., originating station) sends to the RNC comprising base stations and base station controllers (i.e., switch) an initial PDTCH burst (i.e., origination message)).

But, the combination does not particularly disclose wherein the switch comprises a mobile switching center. However, Aminzadeh teaches that a mobile switching center and base station controller can be integrated (paragraph [0038]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include wherein the switch comprises a mobile switching center, as suggested by Aminzadeh, since it is a standard configuration of wireless communication networks to integrate a mobile switching center and a base station controller in order to reduce system components.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over BARANY et al. in views of CHANEY et al. and KEATING et al. (US 2004/0082352).

**Regarding claim 7**, the combination of Barany and Chaney disclose the method of claim 5, but the combination does not particularly disclose wherein the at least one target is a mobile station having a mobile identification number, and wherein the target code comprises the mobile identification number.

However, Keating teaches wherein at least one target is a mobile station having a mobile identification number, and wherein the target code comprises the mobile identification number (Abstract; paragraphs [0022]-[0023]; Keating teaches a method of setting up a wireless group call (i.e., conference) between mobile stations in where a group call originator initiates a set up of the group call through his or her mobile station by choosing a group call participant list of

mobile stations that the originator wishes to include in the group call, the participant list including the phone numbers of the participants (i.e., MIN)). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include wherein the at least one target is mobile station having a mobile identification number, and wherein the target code comprises the mobile identification number, as suggested by Keating, since such a modification would provide the advantage of setting up a wireless group call (i.e., communication session) between mobile station subscribers.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over BARANY et al. in views of CHANEY and ST. JOHN et al. (US 6,317,595 B1).

**Regarding claim 8**, the combination of Barany and Chaney disclose the method of claim 5, but the combination of Barany and Chaney does not particularly disclose wherein the at least target is a group, and wherein the target code comprises a group identifier.

However, St. John teaches setting up a call to a group of user terminals by entering a group identifier (col. 1, lines 34-48). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of wherein the at least target is a group, and wherein the target code comprises a group identifier, as suggested by St. John, for the establishment of a group call between mobile stations belonging to the identified group.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over BARANY et al. in views of CHANEY and XU et al. (US 2002/0114322).

**Regarding claim 11**, the combination of Barany and Chaney disclose the method of claim 5, but the combination does not particularly disclose wherein signaling the originating

station from the service controller to the communications server comprises: sending a signaling message from the service controller to the communications server, the signaling message carrying (1) the target code and (ii) an originating station identifier.

However, Xu teaches sending a signaling message to a communication server, the signaling message carrying (1) the target code and (ii) an originating station identifier (paragraphs [0050]-[0051]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include sending a signaling message to a communication server, the signaling message carrying (1) the target code and (ii) an originating station identifier, as suggested by Xu, since such a modification would allow the communication server to identify the stations to participate in the real-time media session.

#### ***Claim Objections***

10. **Claim 9** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record has been found (either alone or in combination with Barany and Chaney) that suggests or render obvious the limitations of “detecting the session-initiation code as an intelligent network trigger; and responsively sending a signaling message to the service controller, the signaling message carrying (i) the target code and (ii) an originating station identifier”.

11. **Claim 10** is objected to as being dependent upon a claim that has been objected.

#### ***Allowable Subject Matter***

12. Claim 16 is allowed. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record has been found (either alone or in combination with Barany and Chaney) that suggests or render obvious the limitations of "wherein, upon receipt of the call origination message, the switch is arranged to detect the session-initiation feature code as an intelligent-network trigger and to responsively send a first message to the service control function, providing the service control function with at least the target code and an identification of the wireless communication device".

13. Claims 17-20 are allowed as being dependent upon a claim that have been allowed.

***Prior Art of Record***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) McConnell et al. (US 2003/0186702) – Method and system for zoned-based capacity control.

(b) Money et al. (US 2004/0009761) – Method and system for real-time tiered rating of communication services.

(c) Mansour (US 6,292,671) – Dispatch mode in code division multiple access systems.

(d) Costa-Requena (US 7,154,864) – Method and apparatus for providing conference call announcement using SIP signaling in a communication system.

(e) Rosetti et al. (US 2004/0192363) – Method for reducing latency in a push-to-talk set-up.

(f) Gourraud et al. (US 2004/0006623) – Service providing mechanism.

(g) Kundu et al. (US 2005/0239485) – Dispatch service architecture.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marisol Figueroa/  
Examiner, Art Unit 2617

***/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617***